



United States Department of Justice

United States Attorney Joseph P. Russoniello
Northern District of California

11th Floor, Federal Building
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
(415) 436-7200
FAX: (415) 436-7234

FOR IMMEDIATE RELEASE
JANUARY 22, 2010
WWW.USDOJ.GOV/USAO/CAN

CONTACT: Jack Gillund
(415) 436-6599
Jack.Gillund@usdoj.gov

MANAGER OF EAST BAY FUEL TERMINAL SENTENCED TO ONE YEAR OF HOME CONFINEMENT FOR VIOLATING THE CLEAN AIR ACT

Also Sentenced To 200 Hours Community Service Related To Health Impacts Of Air Pollution

SAN FRANCISCO – Chuck Sivil was sentenced today to a three year period of probation, which includes one year of home confinement and 200 hours of community service focused on the health impacts of air pollution, for tampering with and rendering ineffective, or causing another to tamper with or render ineffective, a monitoring device on a vapor recovery unit located at a bulk fuel transfer facility, in Selby, Calif., owned and operated by Shore Terminals LLC, United States Attorney Joseph P. Russoniello announced.

Sivil, 56, of Vallejo, Calif., pleaded guilty on Oct. 16, 2009, to one felony count of violating the Clean Air Act. According to the plea agreement, Sivil admitted that from July 1, 2005, to Dec. 1, 2006, he was the senior manager of operations and compliance at the Shore Terminals facility. During that time period, Shore Terminals experienced problems with its truck loading rack vapor recovery unit that caused the vapor recovery unit to malfunction and shut down. Shore Terminals' employees, under Sivil's supervision, repeatedly loaded ethanol using the truck loading rack while the truck loading rack's vapor recovery unit was not operating. To do so, Shore Terminals' employees used a bypass switch previously installed in the operations control room. The switch bypassed the automatic shutdown of the loading rack when the vapor recovery unit was not operating. By using the bypass switch, employees avoided delays in loading trucks but also caused the release of volatile organic compounds that repeatedly vaporized and escaped into the air, in violation of the Clean Air Act. On Aug. 25, 2006, during an inspection by the Bay Area Air Quality Management District, Sivil initially misled the inspector when the inspector noticed the vapor recovery unit was not operating while trucks were loading fuel. He later told the inspector the truth. Under his direction, however, the bypass switch continued to be used for several more months, until December 2006 when a search warrant was served on the facility.

"Managers of facilities such as this have a responsibility to protect the environment," U.S. Attorney Russoniello said. "Individuals who don't, who instead choose to take shortcuts and, as a result, violate federal regulations that are designed to safeguard the health of residents in surrounding communities will be prosecuted to the fullest extent of the law."

"To protect human health and the environment, the Clean Air Act requires regulated industries to operate pollution control devices in compliance with their permits," said Nick Torres, Special Agent in Charge of EPA's Office of Criminal Enforcement in San Francisco. "Violators who subvert required air pollution controls place the public and the environment at risk, and they will be vigorously prosecuted."

The sentence was handed down by U.S. District Court Judge Susan Illston following a guilty plea on one count of violating the Clean Air Act in violation of Title 42, United States Code, Section 7413(c)(1)(C).

Judge Illston sentenced the defendant to a three year period of probation, which includes one year of home confinement and 200 hours of community service, which is to be focused on the health impacts of air pollution.

Shore Terminals, which owned and operated the facility during this time, was convicted last year for making false statements that related to these violations. As part of a plea agreement, the company paid a fine of \$1.75 million, paid \$750,000 for community service projects that are related to air quality, and was ordered to implement a comprehensive environmental compliance plan.

AUSAs Stacey Geis and Jeff Rabkin are the Assistant U.S. Attorneys who are prosecuting the case with the assistance of Legal Technician Rayneisha Booth. The prosecution is the result of an investigation by the U.S. Environmental Protection Agency and the Bay Area Air Quality Management District and was referred for prosecution by the Air District's counsel.

Further Information:

Case #: CR 09-0906 SI

A copy of this press release may be found on the U.S. Attorney's Office's website at www.usdoj.gov/usao/can.

Electronic court filings and further procedural and docket information are available at <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>.

Judges' calendars with schedules for upcoming court hearings can be viewed on the court's website at www.cand.uscourts.gov.

All press inquiries to the U.S. Attorney's Office should be directed to Jack Gillund at (415) 436-6599 or by email at Jack.Gillund@usdoj.gov.

This site does not contain all press releases or court filings and is not an official record of proceedings. Please contact the Clerk of Courts for the United States District Court for official copies of documents and public information.

###